

October 14, 2011

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## SPECIFIC ISSUES OF INTEREST TO THE CPAB:

### Congress Passes FTAs with Colombia, Korea, and Panama

- On October 12, after a five year delay, Congress approved the U.S. bilateral free trade agreements (FTAs) with Colombia, Korea, and Panama. The passage of the FTAs was accompanied by the extension of two preferential trade programs, the Generalized System of Preferences (GSP) and the Andean Trade Preferences Act (ATPA), as well as the domestic worker aid program Trade Adjustment Assistance (TAA).
- Although Colombia and Panama ratified their respective FTAs with the U.S. in 2007, the South Korean legislature must still approve the U.S.-Korea FTA (KORUS). A statement published by the Korean trade ministry welcomed the U.S. approval of the bilateral FTA and expressed hope that the Korean legislature would ratify the agreement "as soon as possible."
- The statement also indicated that the Korean ministry would like to see KORUS enter into force by January 1, 2012. However, there has been no official indication of when any of the FTAs will enter into force. In the past, it has taken up to six months to implement FTAs following legislative approval by both sides. Updates concerning the official implementation dates for each of the FTAs will be provided as additional information becomes available.
- California fresh pear exports will benefit from the tariff reductions provided under each of the three agreements:
  - The 45% tariff on U.S. pears entering **Korea** will be eliminated over ten equal annual stages. However, please note that U.S. pears are currently ineligible for export to Korea due to phytosanitary restrictions.
  - For shipments to **Colombia**, the current 15% tariff on U.S. pears will be eliminated once the agreement enters into force.
  - The current 5% tariff on U.S. pears entering **Panama** will also be eliminated once that bilateral agreement enters into force.

### AMS Publishes Offer to Buy Fresh Bartlett Pears, Weekly Purchase Report

- On October 12, the U.S. Department of Agriculture's (USDA) Agricultural Marketing Service (AMS) published an offer to buy 4,500 cases of fresh Bartlett pears (Bid invitation number: [2000000576](#)). Purchased pears will be distributed to domestic food assistance programs in the period from November 16, 2011 to March 31, 2012. Bids are due by **October 18, 2011**.
- AMS also recently published its [weekly purchase report](#) for the week ending October 7, 2011. This week's report did not include any pear commodities.

### Guatemala Clarifies Documentation Requirements for U.S. Hort Shipments

- In August 2011, Guatemala informed the U.S. government that it would begin enforcing legislation that required all horticultural imports to be microbiologically tested in a lab prior to export (see the August 12 edition of the *BCI Monitor*). Over the past two months, the U.S. government has been seeking an alternative to this requirement for U.S. horticultural exports.
- On October 12, Guatemala announced that U.S. exports will be exempt from the microbiological testing requirement, but instead will require a self-certification document for each shipment. The official self-certification document, titled the Certificate of Attestation, must accompany every shipment of fresh pears exported to Guatemala. (Continues)

**A Report for the  
California Pear  
Advisory Board**

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*Guatemala Clarifies Documentation Requirements for U.S. Hort Shipments – continued*

- The Certificate should be printed on the exporting company's letterhead along with the requested information regarding the date, product name and HS code, name and address of the packer or exporter, and the applicable sanitary license number of the packer or exporter.
- Regarding the requirement for a "sanitary license number" (Section 1.5) Guatemala has indicated that it is seeking an official government registration number for the exporting facility. Although Guatemala has not specified what type of official registration number is required, the U.S. Embassy in Guatemala is recommending that it be the exporter's Food and Drug Administration (FDA) registration number. Other federal or state government-issued numbers may be used.
- The Certificate should be included with other shipping paperwork. It does not need to be notarized.
- This Certificate of Attestation will be required for all shipments to Guatemala beginning **November 1, 2011**, but shippers are encouraged to begin issuing the document immediately to avoid port delays. A copy of the Certificate of Attestation has been attached to this email.

**U.S. Had Limited Share of Greek Canned Fruit Market in 2010/11**

- The U.S. had a very small share of the Greek canned mixed fruit and canned pear market in 2010/11, according to a recent [report](#) published by USDA's Foreign Agricultural Service (FAS).
- As the second largest canned mixed fruit producer in the EU after Italy, Greece accounts for nearly 26% of the EU's canned mixed fruit production. Although canned peaches are Greece's primary canned fruit export, Greece is also a net exporter of canned mixed fruit, exporting 16,646 MT in 2010/11. Greece is also a minor importer of canned mixed fruit, with 69% of its imports originating in other EU countries. Greece did not import canned mixed fruit from the U.S. in 2010/11, though it has imported small amounts in previous years.
- Greece is the fourth largest canned pear producer in the EU, behind Italy, Spain, and France. As a net importer of this commodity, Greece imported 3,503 MT of canned pears and exported only 431 MT in 2010/11. Most of these imports came from outside of the EU, where only Italy and Germany exported this commodity to Greece in 2010/11 (with 68 MT and 88 MT, respectively). The bulk of Greece's canned pear imports came from China (2,111 MT) and Argentina (1,068 MT), though South Africa also represented small percentage of imports (164 MT). None of the canned pears imported into Greece in 2010/11 originated from the U.S.

**GENERAL ISSUES OF INTEREST TO THE CPAB:****France Bans BPA in All Food Packaging Materials**

- On October 12, the French National Assembly approved legislation that effectively bans the manufacture, import, and use of bisphenol A (BPA) in all packaging materials that come into contact with food. The nearly unanimous decision (348-2) will come into effect on January 1, 2014.
- An EU-wide ban on the manufacture of baby bottles with BPA was enacted in March 2010, and was followed by a ban on the import and marketing of baby bottles containing the chemical in June 2011. The new French law will expand upon the EU legislation to prohibit BPA in any packaging aimed at children under the age of three. It will also require all packaging containing BPA to have warning labels for pregnant women and children under three.
- The adoption of these measures follows the publication of two reports by France's food safety agency (known as ANSES) in late September, which indicated that BPA may have potentially toxic effect on humans, even at low exposure levels. The ANSES reports directly contradicted the findings of an earlier report published by the European Food Safety Authority (EFSA), which concluded that the substance was safe for food packaging applications. It is unclear if EFSA will reconsider their conclusions on BPA in light of the ANSES reports and subsequent French ban.

**China to Require Registration for Imported Food Manufacturers**

- China recently released an English [translation](#) of its registration scheme for manufacturers of imported food. The new provisions update a 2002 version of the registration scheme, the *Provisions on the Administration of the Registration of Foreign Producers of Imported Foods*, and apply to the registration of foreign businesses that produce, process, or store foods destined for export to China.
- According to the new rules, all food manufacturers exporting products to China must be registered with the Certification and Accreditation Administration of China (CNCA). Registrations will be valid for a period of 4 years.
- CNCA will establish and maintain a list of imported food manufacturers called the Implementation Catalogue of Registration of Foreign Manufacturers. Registration review procedures and technical requirements for products of different categories in the Catalogue will be separately developed and released by the CNCA.
- These new requirements are expected to enter into force in March 2012. Comments are due by **October 18, 2011**.